

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Susan Dean, 954-797-1042

PREPARED BY: Susan Dean

SUBJECT: Resolution

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE EIGHTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT

REPORT IN BRIEF: Amendment Eight recognizes that there are excess funds collected by the Broward County Resource Recovery System for construction, operation, maintenance and repair of the system. The County desires to return some of the monies to the Contract Communities, on the basis of each city's contribution of "tonnage," which requires an Amendment to the ILA. Davie's share will be approximately \$550,000. This Amendment requires the passage of 50% + 1% (by population) of the Contract Communities.

PREVIOUS ACTIONS: Passage of Interlocal Agreement, June 25, 1986

CONCURRENCES: N/A

FISCAL IMPACT:

Has request been budgeted? N/A

RECOMMENDATION(S):

Motion to Approve

ATTACHMENT(S):

Interlocal Agreement may be made available on request

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE EIGHTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE, WHICH INTERLOCAL AGREEMENT IS DATED FOR CONVENIENCE NOVEMBER 25, 1986, BY AND BETWEEN BROWARD COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, BY, AND THROUGH ITS BOARD OF COUNTY COMMISSIONERS AND THE MUNICIPALITIES WHO ARE THE PARTIES TO THE INTERLOCAL AGREEMENT.

WHEREAS, Broward County, Florida ("the County") operates a Solid Waste System in accordance with the provisions of the authorizing documents for the Broward County, Florida Solid Waste System Revenue Refunding Bonds, Series 2003A (the "Authorizing Resolution"); and

WHEREAS, the County is in the process of amending the Authorizing Resolution in order to allow the distribution of certain moneys for lawfully available purposes; and

WHEREAS, , the Resource Recovery Board of Broward County is the governing body of the Broward Solid Waste Disposal District, a dependent district of the County created by the Interlocal Agreement; and

WHEREAS, the Resource Recovery Board, pursuant to Section 5.4 of the above Interlocal Agreement is charged in Section 5.4 and 5.5 of the above Interlocal Agreement with the direction and management of the solid waste and resource recovery system of the County and CONTRACT COMMUNITIES; and

WHEREAS, the Resource Recovery Board has determined there shall be adequate funds for the above system to provide for construction, operation, maintenance and repair to said system, and all necessary reserves for same; and

WHEREAS, it is anticipated that the Resource Recovery Board shall from time to time determine that there shall be distribution of moneys from the Solid Waste System to the Contract Communities and County; and

WHEREAS, no distribution may be made without the County's consent; and

WHEREAS, in order to return the above monies of the Solid Waste System to the

contract communities and the County, a mechanism is to be established which requires an amendment to the Interlocal Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. Except as may be provided in this Eighth Amendment, all defined terms used herein shall have the meanings as ascribed to them in the Interlocal Agreement, as previously amended.

SECTION 2. A new Section 6.7 shall be added to the Interlocal Agreement and shall read as follows:

6.7 Except as may otherwise be agreed by a separate amendment to the Interlocal Agreement, any moneys of the Broward Solid Waste Disposal District which are determined to be distributed to the Contract Communities and the County shall be distributed on the basis of each Contract Community's "tonnage" contribution of processable waste to the Resource Recovery System from the previous fiscal year. However, said moneys shall only be distributed with the consent of the Board of County Commissioners of Broward County.

SECTION 3. Except as modified herein, the Interlocal Agreement shall remain in full force and effect.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2004.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004

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